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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,828	07/22/2003	John Ray Childers	CHILDERS.UTL	6574
21590	7590	04/13/2004	EXAMINER	
HINKLE & O'BRADOVICH, LLC 395 SCENIC HIGHWAY LAWRENCEVILLE, GA 30045			GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER

3612

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,828

Applicant(s)

CHILDERS, JOHN RAY

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/22/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: on page 11, line 1, "on" should apparently be "one". Appropriate correction is required.

### *Claim Objections*

2. Claims 9 and 13 are objected to because of the following informalities:

In claim 9, on line 8, "rotate fit" should perhaps be "rotatably fit".

In claim 13, on line 7, "the one" should perhaps be "one" since this is the first instance reciting a specific aperture. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 6-7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Webster.

Webster (4,390,141) discloses an apparatus comprising: an elongated arm 68 having a first end, an upper surface, a second end and a lower surface; a grip 70 connected generally

perpendicular to the upper surface and adjacent the first end; a handle drum 62 connected generally perpendicular to the lower surface and adjacent the second end; and a protrusion 74 connected generally perpendicular to the handle drum, when the handle drum is attached to a belt winch, in a generally parallel orientation to the elongated central arm.

With regard to claim 3, the grip is rigidly connected to the arm.

With regard to claim 6, the handle drum is cylindrical.

With regard to claim 7, the protrusion is cylindrical.

For claim 13, Webster discloses an apparatus for rapidly winding a strap 90 onto a belt winch having a strap drum 94 and an annular cylinder 96 having a series of apertures 98, the apparatus comprising: an elongated arm 68; means 70 for gripping the apparatus connected to one end of the arm; means 64 securing the apparatus within the annular cylinder to secure the apparatus adjacent the belt winch; and means 74 for securing the apparatus within the one of the apertures of the belt winch.

5. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Guenther.

Guenther (6,659,697) discloses a belt winch system comprising: a belt winch having a winch drum (Figure 2), a ratchet mechanism (not shown, but inherent upon belt winches of the well known prior art) connected to one side of the winch drum, an annular cylinder L connected to another side of the winch drum, the annular cylinder having a series of apertures H in the wall of the annular cylinder; and a belt winch speed handle 10 having a handle drum 16 within the hollow interior of the annular cylinder, a protrusion 18 connected generally perpendicular to the handle drum, the protrusion being held within one of the apertures, an arm 12 having one end

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(generally at 20) connected to the handle drum and adjacent the annular cylinder and a grip 14 connected to another end of the arm.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster as applied to claim 1 above and further in view of Weckter.

Webster lacks the grip being rotatably connected to the arm.

Weckter (6,179,534) teaches an apparatus 30 (Figures 1 and 2) comprising: an elongated arm 31 having a first end, an upper surface, a second end and a lower surface; a grip 36 and handle member 34 connected generally perpendicular to the upper surface and adjacent the first end; a handle drum 20 connected generally perpendicular to the lower surface and adjacent the second end. Weckter also teaches the desirability of the grip 36 being attached to the handle member 34 so as to be rotatably connected to the arm in order for a user to grasp and quickly rotate or crank the handle member thereby taking up a cargo strap.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a grip as taught by Weckter over the grip of Webster in order to allow a user to crank the handle for faster cargo strap take up.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster as applied to claim 1 above and further in view of Depoy.

Webster lacks the handle drum including a tapered end.

Depoy (6,056,488) teaches an apparatus comprising: an elongated arm 10 having a first end and a second end; a grip 12 connected adjacent the first end; a handle drum 14 connected adjacent the second end. Additionally, Depoy teaches a tapered end on the handle drum.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a tapered end as taught by Depoy upon the handle drum of Webster in order to aid the handle drum into an annular cylinder of a belt winch.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster as applied to claim 1 above and further in view of Guenther.

Webster lacks the protrusion having a tapered end.

Guenther '697 teaches an apparatus comprising: an elongated arm 12 having a first end, an upper surface, a second end and a lower surface; a grip 14 connected adjacent the first end; a handle drum 16 connected adjacent the second end; and a tapered protrusion 18 connected generally perpendicular to the handle drum. Guenther teaches the desirability of the protrusion having a tapered end to aid in getting the apparatus into an aperture H in a belt winch W.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a tapered end as taught by Guenther for the protrusion of Webster in order to aid in moving the protrusion into an aperture of a winch to thereby secure the apparatus to the winch.

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10. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Chan, Depoy, and Guenther.

Webster discloses a belt winch kit comprising: a belt winch having a winch drum 94 with an elongated slot 99, an annular cylinder 96 connected to one side of the winch drum, the annular cylinder having a series of apertures 98 in the wall of the annular cylinder; a cargo strap 90 adapted to fit within the elongated slot on the winch drum and a belt winch speed handle 68 having a handle drum 64 being adapted to rotatably fit within the hollow interior of the annular cylinder, a protrusion 74 connected generally perpendicular to the handle drum, the protrusion being adapted to fit partially within one of the apertures, an arm having one end connected to the handle drum and adjacent the annular cylinder and a grip 70 connected to another end of the arm.

Webster lacks a ratchet mechanism connected to another side of the winch drum.

Chan (5,433,565) teaches a belt winch of the well known prior art having a winch drum with an elongated slot, a ratchet mechanism connected to one side of the winch drum and an annular cylinder connected to another side of the winch drum.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a ratchet mechanism as taught by Chan upon one side of the winch drum of Webster in order to aid in the take up and securement of the cargo strap.

Webster, as modified, lacks the handle drum having a tapered edge.

Depoy (6,056,488) teaches an apparatus comprising: an elongated arm 10 having a first end and a second end; a grip 12 connected adjacent the first end; a handle drum 14 connected adjacent the second end. Additionally, Depoy teaches a tapered end on the handle drum.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a tapered end as taught by Depoy upon the handle drum of Webster, as modified, in order to aid the handle drum into an annular cylinder of a belt winch.

Webster, as twice modified, lacks the protrusion having a tapered edge.

Guenther '697 teaches an apparatus comprising: an elongated arm 12 having a first end, an upper surface, a second end and a lower surface; a grip 14 connected adjacent the first end; a handle drum 16 connected adjacent the second end; and a tapered protrusion 18 connected generally perpendicular to the handle drum. Guenther teaches the desirability of the protrusion having a tapered end to aid in getting the apparatus into an aperture H in a belt winch W.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a tapered end as taught by Guenther for the protrusion of Webster, as twice modified, in order to aid in moving the protrusion into an aperture of a winch to thereby secure the apparatus to the winch.

With regard to claim 12, Webster, as thrice modified, discloses the handle being adapted to be rotated as a single unit with the winch drum, the ratchet mechanism and the annular cylinder when the handle drum is placed within the annular cylinder and the protrusion is placed within one of the apertures.

#### *Allowable Subject Matter*

11. Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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12. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of allowable subject matter for the claims in this case is the inclusion of the specific rotation of the handle along an arc during placement of the handle into the belt winch of claims 10 and 11 in combination with the other elements recited which is not found in the prior art of record.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label

“PROPOSED” or “DRAFT”).

  
Hilary Gutman

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4/8/07